ANNEXURE E

THE MYSORE INDUSTRIAL ESTABLISHMENTS (NATIONAL AND FESTIVAL HOLIDAYS) (AMENDMENT) BILL, 1973.

(L.A. Bill No. 14 of 73)

A Bill to amend the Mysore Industrial Establishments (National and Festival Holidays) Act, 1963.

WHEREAS it is expedient to amend the Mysore Industrial Establishments (National and Festival Holidays) Act, 1973 (Mysore Act 24 of 1973);

BE it enacted by the Mysore State Legislature in the Twenty-fourth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Industrial Establishments (National and Festival Holidays) (Amendment) Act, 1973.

(2) It shall come into force at once.

2. Amendment of section 3.—In section 3 of the Mysore Industrial Establishments (National and Festival Holidays) Act, 1963 (Mysore Act 24 of 1963) (hereinafter referred to as the principal Act,) for the words, figures and letters "and the 15th August", the words figures and letters "the 15th August and the 2nd October" shall be substituted.

3. Amendment of section 5.—In the proviso to sub-section (3) of section 5 of the princial Act, for the paragraph occurring before the Explanation, the folloing shall be substituted, namely :—

"Provided that no such employee shall be entitled to be paid any wages for any of the holidays allowed under section 3, other than the 26th January the 15th August and the 2nd October unless he has been in the service under the employer for a total period of thirty days within a continuous period of ninety days immediately preceding such holiday."

4. Insertion of new section 9-A.—After section 9 of the principal Act, the following section shall be inserted, namely :—

" 9-A. Cognisance of offences.—(1) No court shall take cognisane of any offence punishable under this Act or any rule made thereunder expect upon a complaint made in writing by an Inspector.

(2) No court inferior to that of a magistrate of the first class shall try any offence punishable under this Act or any rule made thereunder. "

Statement of Objects and Reasons.

Under section 3 of the Mysore Industrial Establishments (National and Festival Holidays) Act, 1963 every employee is allowed two national holidays in a calendar year on the 26th January and the 15th August. It is proposed as suggested by the National Commission on Labour, to provide for another national holiday on the 2nd October (Mahatma Gandhi's Birthday).

Under the proviso to sub-section (3) of section 5 of the Act, an employee will not be entitled to be paid any wages for any of the holidays allowed, if he has not completed a period of thirty days' continuous service immediately preceeding such holiday. This will mean hardship in cases where an employee though he may have completed a period of thirty days of service, may not have completed thirty days of continuous service immediately preceding the holiday. It is therefore proposed to amend the proviso providing for the requirement of a total period of thirty days' service within a continuous period of ninety days immediately preceding the holiday.

It is also proposed to provide that offences under the Act or rules shall be taken cognisance only upon complaint and by a magistrate of the first class.

Hence this Bill.

AZEEZ SAIT.

Te. HANUMANTHAPPA,
Secretary.